

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HARVEY G. OTTOVICH REVOCABLE LIVING
TRUST DATED MAY 12, 2006, HARVEY OTTOVICH
AS TRUSTEE FOR THE HARVEY G. OTTOVICH
REVOCABLE LIVING TRUST DATED MAY 12, 2006,
MARK OTTOVICH AS SUCCESSOR TRUSTEE FOR
AND BENEFICIARY OF HARVEY G OTTOVICH
REVOCABLE LIVING TRUST DATED MAY 12, 2006,

Plaintiffs,

v.

WASHINGTON MUTUAL, INC., CHASE HOME
FINANCE, LLC, AND JP MORGAN CHASE BANK,
NA, AN ACQUIRER OF CERTAIN ASSETS AND
LIABILITIES OF WASHINGTON MUTUAL BANK
FROM FEDERAL DEPOSIT INSURANCE
CORPORATION ACTING AS RECEIVER, DOES
ONE THROUGH 50, INCLUSIVE,

Defendants.

No. C10-02842 WHA

**REMINDER NOTICE
OF UPCOMING
TRIAL AND FINAL
PRETRIAL
CONFERENCE**

This notice serves as a friendly reminder that this case remains set for a **FINAL
PRETRIAL CONFERENCE** on **AUGUST 15, 2011**, at **2:00 P.M.**, with a **JURY TRIAL** on
AUGUST 22, 2011. Please consult the existing case management order and review and follow
all standing guidelines and orders of the undersigned for civil cases on the Court's website at
<http://www.cand.uscourts.gov>. Continuances will rarely be granted.

1 The final pretrial conference will be an important event, for it will be there that the
2 shape of the upcoming trial will be determined, including *in limine* orders, time limits and
3 exhibit mechanics. Lead trial counsel must attend.

4 To avoid any misunderstanding with respect to the final pretrial conference and trial,
5 the Court wishes to emphasize that all filings and appearances must be made — on pain of
6 dismissal, default or other sanction — unless and until a dismissal fully resolving the case is
7 received. It will not be enough to inform the clerk that a settlement in principle has been
8 reached or to lodge a partially executed settlement agreement or to lodge a fully executed
9 agreement (or dismissal) that resolves less than the entire case. Where, however, a
10 fully-executed and unconditional settlement agreement clearly and fully disposing of the entire
11 case is lodged reasonably in advance of the pretrial conference or trial and only a ministerial
12 act remains, the Court will arrange a telephone conference to work out an alternate procedure
13 pending a formal dismissal.

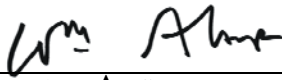
14 Please state whether the Court can be of further ADR assistance (but avoid stating
15 offers, counteroffers or dollar amounts).

16 In this case, the Court wishes to consider the following additional trial procedures and
17 desires that counsel meet and confer and reach a stipulation concerning whether and how to
18 use them:

- 19 1. Scheduling opposing experts so as to appear in successive order;
- 20 2. Giving preliminary instructions on the law;
- 21 3. Allowing limited pre-closing deliberations (as per, *e.g.*, Rule 39
22 of the Arizona Rules of Civil Procedure); and
- 23 4. Allowing each side fifteen minutes of opening/argument time to
24 be used during the evidence time (in addition to normal opening statement and
25 closing argument).
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1 Please present the results of your stipulation (or not) in the joint pretrial conference
2 submissions.

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5 Dated: June 29, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE